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The Commissioner for Patents, Washington,
D.C. 20231 on March 6, 2002



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OFFICE OF PETITIONS

Name of Registered Representative:

John C. Freeman, Registration No. 34,483

Date of Signature

PATENT CASE NO. 56/346

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

	In re Application:	)	
10	Christian Eisenberger et al.	) ) ) Group Art Unit: 2633	RECEIVED  MAR 2 5 2002.  Technology Center 2600
-	International Application No. PCT/EP99/04972	) )	
. 15	International Filing Date: July 14, 1999	) ) )	
	Serial No.: 09/744,871	) ) ) Eveniment unaggiomed	
20	Filed: January 29, 2001	) Examiner: unassigned )	
	§ 371 Filing Date: July 11, 2001	) )	
25	For: OPTOELECTRONIC TRANSCEIVER	) .)	
25 Reoln. Ref: DA#:231925 FC: 704	05/14/2002 AKELEY OF AN UN Name/Number: FOR ACCEPTANCE OF AN UN	DER 37 CFR § 1.78(a)(3) NINTENTIONALLY DE S.C. §§ 120 AND 365(c)	ELAYED CLAIM
30	Assistant Commissioner for Patents BOX DAC	,	RECO
	Washington, D.C. 20231		MARCEIVE
Adjustment	date: 05/14/2002 AKELLEY		On TAR I ROLL
03718/2002 01 FC:091	date: 05/14/2002 AKELLEY GTEFFERA 00000045 09744871 Dear Sir: -1280.00 OP		OFFICE OF S

Your Petitioners filed the above-mentioned application on January 29, 2001. At the time of

filing, your Petitioners inadvertently failed to make proper reference to international application 03/18/2002 GTEFFERA 00000045 09744871

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PCT/EP99/04972 pursuant to 37 C.F.R. § 1.78(a)(2) in order to claim priority to the international application under 35 U.S.C. §§ 120 and 365(c). Since it is more than four months from the actual filing date of the application and more than sixteen months from the filing date of the international application, your Petitioners petition for the acceptance of an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of the prior filed international application.

Pursuant to 37 C.F.R. § 1.78(a)(3), your Petitioners are including with this Petition:

- 1) a check for \$1,280.00 to cover the surcharge set forth in 37 C.F.R. § 1.17(t); and
- 2) a statement by the undersigned that the entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2) and the date of this Petition was unintentional.

Should this Petition be granted, Petitioners respectfully petition the Commissioner to have the Supplemental Preliminary Amendment being concurrently filed with the present Petition entered under 37 C.F.R. § 1.78(a)(3).

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Respectfully submitted,

t. dr

John C. Freeman

Registration No. 34,483 Attorney for Petitioners

BRINKS HOFER
GILSON & LIONE
P.O. Box 10395
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(312) 321-4200

Dated: March 6, 2002

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## STATEMENT UNDER 37 C.F.R. § 1.78(a)(3)(ii)

I, John C. Freeman, state that the entire delay between the date the claim for the benefit of the filing date of international application PCT/EP99/04972 was due under 37 C.F.R. § 1.78(a)(2) and the date of the filing of the claim was unintentional, wherein such filing of the claim is being made concurrently with the filing of the present Statement.

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Date: March 6, 2002

John C. Freeman

Registration No. 34,483 Attorney for Petitioners

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